

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**LUFKIN RETAIL, LLC,  
Plaintiff,**

**v.**

**SENECA SPECIALTY INSURANCE  
COMPANY AND BASS  
UNDERWRITERS, INC.  
Defendants.**

§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 9:16-CV-00087**

**AGREED MOTION FOR DISMISSAL WITH PREJUDICE**

TO THE HONORABLE COURT:

Plaintiff, Lufkin Retail, LLC, and Defendant Seneca Specialty Insurance Company, file this, their Agreed Motion for Dismissal with Prejudice and would respectfully show unto the Court the following:

**I.**

Plaintiff and Defendant, through their counsel of record, announce to the Court that all matters in controversy between them have been fully and finally settled. Plaintiff no longer desires to prosecute this suit against Defendant Seneca Specialty Insurance Company.

**II.**

Plaintiff and Defendant move this Court to dismiss this case with prejudice, as to Defendant, with all costs to be taxed against the party incurring same.

WHEREFORE, Plaintiff and Defendant respectfully request the Court enter their Agreed Order of Dismissal with Prejudice.

Respectfully submitted,

/s/ Van Gardner

---

David K. Mestemaker  
State Bar No. 13974600  
Van Gardner  
State Bar No. 07656800  
MESTEMAKER & STAUB  
3100 Timmons Ln., Suite 455  
Houston, Texas 77027  
Telephone: (713) 626-8900  
Facsimile: (713) 626-8910  
Email: [dkm@msandz.com](mailto:dkm@msandz.com)  
[vgardner@msandz.com](mailto:vgardner@msandz.com)

**COUNSEL FOR PLAINTIFF  
LUFKIN RETAIL, LLC**

/s/ Christina de la Garza

---

Daniel P. Buechler  
State Bar No. 24047756  
THOMPSON, COE, COUSINS & IRONS, L.L. P.  
700 N. Pearl Street, 25th Floor  
Dallas, Texas 75201  
Telephone: (214) 871-8200  
Facsimile: (214) 871-8209  
Email: [dbuechler@thompsoncoecoe.com](mailto:dbuechler@thompsoncoecoe.com)

Christina de la Garza  
State Bar No. 24061898  
THOMPSON, COE, COUSINS & IRONS, L.L.P.  
701 Brazos St., Suite 1500  
Austin, Texas 78701  
Telephone: (512) 703-8200  
Facsimile: (512) 708-8777  
Emails: [cdelagarza@thompsoncoecoe.com](mailto:cdelagarza@thompsoncoecoe.com)

James N. Isbell  
State Bar No. 10431900  
THOMPSON, COE, COUSINS & IRONS, L.L.P.  
One Riverway, Suite 1600  
Houston, Texas 77056  
Telephone: (713) 403-8210  
Facsimile: (713) 403-8299  
Emails: jamesisbell@thompsoncoe.com  
**COUNSEL FOR DEFENDANT**  
**SENECA SPECIALTY INSURANCE**  
**COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of August, 2017, the foregoing motion was served by certified mail, return receipt requested upon the following counsel of record for Plaintiff:

David K. Mestemaker  
Van Gardner  
MESTEMAKER & STRAUB  
3100 Timmons Ln., Suite 455  
Houston, Texas 77027  
Telephone: (713) 626-8900  
Facsimile: (713) 626-8910  
Emails: [dkm@msandz.com](mailto:dkm@msandz.com)  
[vgardner@msandz.com](mailto:vgardner@msandz.com)

**COUNSEL FOR PLAINTIFF**  
**LUFKIN RETAIL, LLC**

/s/ Christina de la Garza  
Christina de la Garza